



Chatham County Planning Board Approved Minutes February 6, 2018

The Chatham County Planning Board met in regular session on the above date in the Agriculture Building Auditorium, Pittsboro, North Carolina. Members present were as follows:

Present:

George Lucier, Chair
Caroline Siverson, Vice Chair
Jon Spoon
Bill Arthur
Tony Gaeta
Allison Weakley
Gene Galin
Jim Elza
Brian Bock
Emily Moose
Jamie Hager

Absent:

Other: Diana Hales, County Commissioner Liaison

Planning Department:

Jason Sullivan, Planning Director
Lynn Richardson, Land Planner II/Subdivision Administrator
Kim Tyson,

- I. INVOCATION AND PLEDGE OF ALLEGIANCE:
Mr. Galin delivered the invocation and afterwards everyone stood and recited the Pledge of Allegiance.
- II. CALL TO ORDER:
Chair Lucier called the meeting to order at 6:30 p.m.
- III. DETERMINATION OF QUORUM:
Chair Lucier stated there is a quorum (all 11 members were present)
- IV. APPROVAL OF AGENDA:
Approval of the Agenda
- V. APPROVAL OF THE MINUTES: Chair Lucier asked for consideration of a request for approval of the January 2, 2018 minutes with the 4 proposed changes. There were no objections by board members and the January 2, 2018 minutes were approved.

VI. PUBLIC INPUT SESSION: This item was moved after item VIII-1 was presented by planning staff. (See Below)

VII. ELECTION OF OFFICERS:

1. Election of Planning Board Chair and Vice-Chair

Floor was opened up by Mr. Gaeta to nominate Ms. Siverson as Chair, there were no other nominations and there were no objections by board members. Ms. Siverson was elected unanimously.

Floor was opened up by Chair Siverson for Vice-Chair nominations. Ms. Moose nominated Mr. Lucier as Vice-Chair, there were no other nominations and there were no objections by board members. Mr. Lucier was elected unanimously.

2. SUBDIVISION:

Public Hearing on the following item:

1. Request by Warren Mitchell, P. E. on behalf of Jones Ferry Properties, LLC for subdivision First Plat review of Morgan Ridge Subdivision, consisting of 16 lots on 52.20 acres, located off Jones Ferry Road, SR-1942 (entrance in Orange County), parcel #1443.

Ms. Tyson read the staff notes and gave the introduction and background for the First Plat. She stated that a 50' public right of way is proposed for this project and that the entrance to the property is located in Orange County. The location and approval of public right-of-way for the entrance will be reviewed by Orange County Planning and approved by Orange County Board of Commissioners.

Mr. Mitchell provided planning staff with an update on the dates associated with the Orange County process. He reported that a February 15, 2018 neighborhood information meeting will be held and then it will go the Orange County BOC on March 7th. He said that Ms. Wiggins with Chatham County Historical Association toured the property and looked at the old home place and other structures. He indicated that those structures will be removed. Chief Strowd met with the developer to look at the existing pond on the property and it was determined that the pond is not suitable for a water access point. The developer plans to drain and fill the pond. Two storm water ponds are proposed to be put on two private lots. Planning staff and various board members attended two site visits along with Mr. Mitchell. Photos were taken and are posted on planning's website.

Ms. Tyson said that Mr. Mitchell and Mr. Lloyd are available to answer questions and to address the board about the request. Mr. Mitchell said that 5 lots in Orange County were developed first as a minor subdivision, 'The Enclave'. The reason the road comes in where it does is because that was the safest place to enter off Jones Ferry Road. The pond is about half an acre and the developers feel it would be a safety and liability issue. There will be a total of 16 lots, there will be two roadway crossings of the perennial and

intermittent streams and that they have tried to mitigate the impact by having narrow crossings with retaining walls and headwalls. The third crossing will be a private driveway serving Lots 6 and 7. There will be some off-site septic systems accessed by individual utility easements. Mr. Lloyd said there is a stub out to the property to the south that will be a future right of way and that the property is currently landlocked. It was noted that at the first TRC meeting it was requested that there be a connection to that property.

Board discussion followed and some points were discussed:

- Did you already develop 5 lots on the Orange County side? Mr. Mitchell said yes.
- How large are the lots? Mr. Mitchell said they are 2- 5 acres, same size as the proposed 16 lots. There are a total of 23 and that includes the minor subdivision in Orange County
- How do you get from lot 7 to extend the septic line to the other side of the creek? Mr. Mitchell said it will have to cross the stream and wetlands. That lot 6 will have an easement and cross and go up to another field They have a temporary permit to cross these areas, they have already met with Rachael Thorn to discuss requirements regarding buffer authorizations.
- Can Lot 5 serve as an off-site septic system area for Lot 6? Mr. Mitchell said that with the stormwater pond being located on 5, there was not sufficient room for an additional off-site septic system. He also indicated that there are many challenges on the property
- Can lot 14 accommodate septic for Lot 13? Mr. Mitchell said this is a good point to bring up.
- Concerns with maintenance of off-site septic. Mr. Lloyd stated that the pump systems are required to be inspected every 5 years by the county.

There were questions and concerns about multiple utility easements accessing the off-site septic areas and whether one contractor will be installing the off-site septic lines. Mr. Lloyd said that has not yet been determined. Mr. Mitchell stated that if there are separate utility easements for each septic line, that would mean more clearing would be required, however, each septic line would have its own dedicated easement and it would be easier for a homeowner to identify their septic easement in case there is a problem in the future and that each property owner/builder would be responsible for installation of their septic line. Mr. Mitchell also stated that based on Environmental Health regulations, if multiple septic lines are installed in one utility easement, then one contractor is required to install all lines.

Mr. Sullivan described Cedar Mountain and stated that in Cedar Mountain there is one trench with six parallel lines. A Board member asked if that is different from what is proposed in Morgan Ridge? Mr. Mitchell said yes. And that after the site meeting he and Mr. Lloyd discussed the possibility of having 2 lines in a trench. The downside is cutting more trees down, the positive is, each homeowner has their own trench and easement and are protected. It's a recorded plat, if there is a problem it would be the homeowner's responsibility. It's best to have the utility easements separate, although it's something they could consider.

- Will the buyers know about the 5 year inspections and cost involved? The builder would know and whether he passes it on he is not sure. He believes that it is in a disclaimer that is provided to buyers. They do not believe the county inspection fees are too high.
- Are the offsite septic easements recorded? Staff discussed this with Kim Warren, Chatham County Environmental Health and yes they are recorded. That the off-site non-contiguous septic and offsite septic easements are shown on the Final Plat.
- What is the rationale for filling in the existing pond and what is the environmental impact. Where does the water go? Safety and liability is the reason for filling in the pond; that the pond has never had more than a few feet of water in it; and that the pond will be drained to the adjacent stream.
- How would you empty the pond? Mr. Mitchell said they would pump it out and fill with dirt and plant shrubs. He also reported that The Corp of Engineers and Environmental Health have looked at the pond.
- Is the pond spring fed? No
- Since the pond has had water for so many years you have a wetland there? No, per Mr. Mitchell
- Is the pond stable enough to build on? No
- Can the pond serve as a stormwater pond. Mr. Mitchell said that due to the topography of the land, the pond would not be a good stormwater pond.
- Is part of the pond in a riparian buffer? Yes, a small part it is. That is a problem and the pond drains out to intermittent stream.
- Can the road location be realigned to avoid the intermittent stream? Mr. Mitchell said that the current alignment was the best due to topography and avoiding the areas of suitable soils for septic.
- Are any of the intermittent streams to be owned by the HOA? No, the streams and riparian buffers are all part of the private lots. The stormwater ponds will also be on private lots with an easement so that the homeowner's association can maintain the ponds in the future. That's what it shows on this plat. The stormwater pond easements will be shown on the construction and final plats.
- Question about where the beaver dams are located? They may have moved up stream.
- One of the goals is to conserve farm land, what would make agriculture more attractive versus houses? Everything is so heavily wooded and occupied by the riparian buffer and creek. Difficult to grow things due to the pockets of soil and conditions. Lots of thick pine trees, it would require better timber and conservation.

Public Hearing Input

Mr. James Boca, a homeowner adjacent to lot 7 reported that it has a large open area with no trees. His request is that trees are planted on lot 7 to provide more privacy and to prevent him from seeing the construction site. Mr. Sullivan said that if the developer is willing to do that it would be fine. The developer did agree to meet his request.

Mr. George Barrett is an adjacent property owner for 62 years. His concern is that he and his wife own 1700 feet east of the property, adjacent to the pond area. This is a commercial area with lots of stuff that kids could come over and play and get hurt. What could the developer do to help prevent that? There will be no clear cut line. You could put up signage, no trespassing. It was stated by a board member that he would not be responsible for what trespassers do on his property. Mr. Barrett said that the surveyor did not flag the area to show where the new lots will be located. Mr. Mitchell said that the line will be clearly marked prior to final plat and home construction. Mr. Mitchell also stated that he would be willing to put up some signs.

Ms. Tanith Kirkley is an adjacent property owner and has concerns with 5 septic fields along her property line. She said that her septic system is old and they may have to move it. If that happens, her existing well may also have to be relocated and she is concerned that the location of the 5 proposed systems in Morgan Ridge may limit where she can drill a new well. The well can't be within a 100' of a septic field. She is worried about their options and also wanted to know what kind of septic field will be installed in the new development? A board member said they are not allowed to put the septic field up against her border.

More board discussion followed:

- Did you consider a conservation subdivision at all? It would benefit the development and you would be able to take more advantage of the soil areas and put more density in the areas you don't have good soils. Mr. Mitchell noted that the areas that can't be developed is like a conservation area and is very beautiful
- This area was identified as a conservation area in the Comprehensive Plan.
- Sensitive to the water shed, worried about pipes, pumps and septic lines.
- Is the crossing in the southern area at the intermittent is necessary?
- Could you cluster the development and have more Open Space?
- Is there an option for community wells? Mr. Mitchell replied that it gets very expensive and there are limitations.
- Concerns with impacting the wetlands
- There are no site distances on southern stub out, need to show those
- What does condition 2 mean?
- Are the riparian buffers clearly marked

- Lateral lines cause problems, debris builds up behind them.
- Offsite septic and how will the existing pond be drain?
- One ephemeral stream and buffer is not shown on map and it was determined by Corp. of Engineer it was ephemeral and that needs to be added
- Will there be a tree fencing? Yes
- Concerns that Meadow Branch drains to Terrell's Creek which drains to Haw River, there is a rare fish species in the river and it is a sensitive watershed area. There was a question on the environmental documentation about whether or not this area drained to federally endangered species occurrences and it does.

It was asked if the NCDOT was comfortable with the headwalls being installed. Mr. Mitchell said yes, he thinks so. Mr. Sullivan requested that they verify that and provide staff with verification. Mr. Mitchell also reported that the pond will be filled in the correct way to avoid a sink hole.

Motion made by Mr. Gaeta to table the request until the next Planning Board meeting on March 6, 2018 so that the developer can return with an acceptable and reasonable solution regarding the septic field areas for lots 1, 2, 3, 4 and 6 that effect the Kirkley's property. Seconded by Vice-Chair, Lucier.

7:15 P.M.

3. Zoning –No Items

7:15 P.M.

4. NEW BUSINESS:
5. BOARD MEMBERS ITEMS:
 1. Update on town liaisons

Vice-Chair Lucier reported that he has gone to half of the Pittsboro meetings and Caroline has attended Siler City's meeting. He discussed some of the items from the last meeting he attended. He recommends that we add an item to the monthly Agenda about updates from the towns.

Mr. Sullivan recommended we add a standing item on the Agenda. Board members agreed. Mr. Lucier thanked all the board members and Commissioner Hales for attending the planning board meetings. Mr. Sullivan reported that Mr. Taylor will not be continuing as the liaison.

6. PLANNING DIRECTOR'S REPORTS:

Mr. Sullivan reported on the following:

1. **Minor Subdivisions/Exempt Maps** - Information was included in tonight's agenda packet for your review.
2. *Letters mailed to all business owners, there were 3 categories of letters. 249 mailed to business property owners would you like to rezone, your property does not appear to be eligible for rezoning based on information we received and , looks like you qualify for home occupation fill out application we will keep on file. Heard from 23 of the 249 that are eligible have asked to be rezoned. 16 do not want to be rezoned. The response rate has not been good. Those that are not wanting to be rezoned are grandfathered in and will use the property as is. The tax department has also been included and have been talking to citizens. A list of properties wanting to be rezoned will be provided to the commissioners in March, 2018. Then a Public Hearing will be scheduled in April 2018, after that it will come back to the Planning Board during the May 2018 meeting, finally back to the BOC during the June 2018 meeting. At this time there has not been a cutoff for responding, planning staff will work with the citizens.*
3. *Each board member has been provided a binder with the adopted COMP Plan this evening as well as Public Hearing packets for the February BOC meeting.*
4. *The commissioners have reinitiated a joint workgroup with Orange and Chatham counties*

7. ADJOURNMENT: There being no further business, the meeting adjourned at 8:36 p.m.

Signed: _____ / _____
Caroline Siverson, Chair Date

Attest: _____ / _____
Paula Phillips, Clerk to the Board Date